

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0234 ZFB, Ltd. Rezoning

Z.A.P. DATE: February 17, 2009

March 3, 2009

March 17, 2009

April 7, 2009

ADDRESS: 9710 & 9718 Anderson Mill Road

OWNER/APPLICANT: Pohl Brown & Associates, Inc. (William Pohl)

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: I-RR **TO:** CS-CO (Tract 1 – 5.76 acres)

ZONING AND PLATTING COMMISSION RECOMMENDATION: 4/7/09 – Approved on consent (7-0).

SUMMARY STAFF RECOMMENDATION: Staff recommends the approval of CS-CO (Commercial Services-Conditional Overlay) district zoning for tract 1 with the following conditions: The permitted CS uses on tract 1 will be limited to Convenience Storage and all uses permitted in LO (Limited Office) district zoning that are also permitted in CS district zoning. A conditional overlay of a daily 2,000 vehicle trip limit would also apply across tract 1 and 2.

The staff recommendation provides the zoning that allows for the uses defined on the site plans in process while permitting any other development that has similar zoning characteristics of adjacent properties to the east and south. It is reasonable given its location on a 4 lane arterial roadway, and is adjacent to commercial and office uses and zoning.

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Anderson Mill Rd. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Anderson Mill Rd. according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. The applicant and staff have agreed to postpone the dedication of right-of-way to coincide with the associated subdivision of the property.

ISSUES: The applicant has withdrawn tract 2 from consideration in order to further negotiations with the neighborhood and city staff. They will re-submit this tract at a later time

DEPARTMENT COMMENTS: This property was annexed into the full purpose jurisdiction of the city of Austin on December 31, 2008, under annexation case C7A-08-009, as shown in Exhibit J. A proposed site plan (SPC-2008-0090D) for a convenience storage use on tract 1 was filed more than 90 days before the annexation, thereby establishing a Continuation of Land Use pursuant to the Texas Local Government Code § 43.002:

(a) A municipality may not, after annexing an area, prohibit a person from:

- (1) continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or
- (2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the annexation if:

- (A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
- (B) a completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted.

Because the site plan was filed within the appropriate timeframe before annexation, the existing uses were determined on the property. The staff recommends the continuation of these uses under CS for tract 1. Staff further recommends CR zoning for tract 2 with a conditional overlay on both tracts that prohibits any uses allowed in these zoning districts other than the current established uses, and will permit uses allowed in the LO zoning district that are also permitted in CR district zoning (see below).

The permitted uses on tract 1 will include the Convenience Storage use in Commercial Services (CS) district zoning, and the following uses in Limited Office (LO) district zoning also allowed in CS zoning:

- Bed & Breakfast (Group 1)
- Bed & Breakfast (Group 2)
- Administrative and Business Offices
- Art Gallery
- Art Workshop
- Communications Services
- Medical Offices (exceeding 5000 sq. ft.)
- Medical Offices (not exceeding 5000 sq. ft.)
- Professional Office
- Software Development

The permitted uses on tract 2 will include Recreational Equipment Maintenance and Storage uses in Commercial Recreation (CR) district zoning, and the following uses in Limited Office (LO) district zoning also allowed in CR zoning:

- Bed & Breakfast (Group 1)
- Bed & Breakfast (Group 2)
- Art Gallery
- Art Workshop

The staff recommendation provides the zoning that allows for the uses defined on the site plans in process while permitting any other development that has similar zoning characteristics of adjacent properties to the east and south. It is reasonable given its location on a 4 lane arterial roadway, and is adjacent to commercial and office uses and zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Convenience Storage, Undeveloped (Tract 1), Multifamily, Recreational Equipment Maintenance & Storage (Tract 2)
<i>North</i>	SF-2	Single Family
<i>South</i>	LO, LR-CO, SF-6	Office, Retail, Undeveloped, Condominiums
<i>East</i>	DR	Church, Undeveloped
<i>West</i>	LO-CO, GR	Funeral Home, Service Station, Shopping Center

NEIGHBORHOOD PLAN: N/A**TIA:** Waived**WATERSHED:** Lake Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Ash Creek Homes, Inc.

Acres West Homeowners Association

Homebuilders Association of Greater Austin

Bull Creek Foundation

Community Arboretum Park Master Condominium Association

Anderson Mill Neighborhood Association

Long Canyon Homeowners Association

2222 Coalition of Neighborhoods Association

Austin Parks Foundation

Long Canyon Phase II & I Homeowners Association;

River Place Residential Community Association

SCHOOLS:

Hill Elementary School

Murchison Middle School

Anderson High School

CASE HISTORIES: Annexation

NUMBER	REQUEST	YEAR
C7A-84-021	Limited Annexation (1984)	1984
C7AD-89-043	Disannexation into 2-mile ETJ	1989
C7A-08-009	Full purpose annexation (2008)	2008

CASE HISTORIES: Zoning

NUMBER	REQUEST	CITY COUNCIL
C14-88-0095	DR to LR-CO, GR-CO	Approved GR-CO & LO-CO (7-0); 2 nd /3 rd Readings, 2/23/1989

BASIS FOR RECOMMENDATION

1. *Zoning should allow for reasonable use of the property.*

Because the site plan was filed within the appropriate timeframe before annexation, the existing uses were determined on the property. The staff recommends the continuation of these uses under CS for tract 1, as well as uses allowed under both CS and LO zoning. Staff further recommends CR zoning for tract 2 with a conditional overlay on both tracts that prohibits any uses allowed in these zoning districts other than the current established uses, and will permit LO uses allowed under both CR and LO zoning.

EXISTING CONDITIONS

ENVIRONMENTAL

The site is located over the North Edwards Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Water and Wastewater

If the landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

TRANSPORTATION:

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Anderson Mill Rd. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Anderson Mill Rd. according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. Currently, there is approximately 50 feet of right-of-way available. An additional 7 feet would be required from the subject parcel.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Anderson Mill Rd	100'	45'	Arterial	No	No	No

SITE PLAN

There is a site plan currently under review for this property (SP-2008-0090D) which provides for 4 buildings with approximately 87,150 square feet of storage use, along with associated parking and drainage facilities. The site plan was submitted in February of 2008 and is pending final approval. *Since the site plan was submitted prior to annexation date of 12/31/08, this use will be allowed once the site plan has been approved and released.* Because the site was in the ETJ at the time, the application of compatibility standards was not triggered.

Any new development not shown on the current site plan will be subject to compatibility and to Subchapter E. Design Standards and Mixed Use. Any new development is subject to compatibility standards: along the north property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

HYDROGEOLOGIST REVIEW

The lot boundaries do not match the proposed resubdivision lot boundaries presented in ZFB Resubdivision, C8-2008-0229.0A as shown in Exhibit I. The 2.075-acre lot should be reconfigured to match the lots of the resubdivision case.

There is a large Critical Environmental Feature (CEF), a sinkhole, located on Lot 1. A significant portion of the 2.075-acre lot is a buffer for this CEF. The maximum impervious cover allowed on the 2.075-acre lot for the requested zoning may not be achievable due to the CEF buffer. A conditional overlay should be required as part of the rezoning. The overlay should delineate the area of the CEF buffer and clarify the restrictions on development within this area. A Restrictive Covenant is currently under negotiation as part of Marquis Ranch Self Storage site plan application SP-2008-0090D. This Restrictive Covenant documents the specific water quality treatment and maintenance standards required to minimize water quality impacts to the Edwards Aquifer via runoff into the sinkhole.

There are three (3) sinkhole Critical Environmental Features (S-1, S-2 and S-3) located on the ZFB tract. The largest sinkhole, S-1, has a drainage area of 28.59 acres. The rim of the collapse sink has the approximate dimensions of 25 feet long by 20 feet wide and is 8 feet deep. A probable cave passage is located at the northeast end of the collapse sink. The passage is blocked by debris and has not been entered by applicant's consultant or by City of Austin staff. Therefore, the full extent of the cave underlying the collapse sink is unknown. Although a sinkhole buffer of 300 feet radius is allowed by the Land Development Code (25-8-281 (C)), WPDRD staff compromised, with the applicant to reduce the buffer to 50 feet up to 250 feet. The Texas Commission on Environmental Quality (TCEQ) required that the buffer be a minimum of 75 feet in all directions. This 75 feet requires the removal of a fence recently constructed at the perimeter of an interior lot.

Sinkhole S-2 is located approximately 45 feet southwest of the edge of S-1. This smaller sinkhole has the approximate dimensions of 6 feet long by 1.5 feet wide by 4 feet deep. There are two openings in the subsurface, one is 2 feet wide by 3 feet long by 4 feet deep and the second is 2 feet in diameter by 4.5 feet deep. The drainage area to this sinkhole has not been delineated separately from the drainage area of S-1. S-2 probably connects to a cave system thought to underlie the site.

Sinkhole S-3 is located in the northeastern corner of the site. It developed along a fracture into two solution cavities. Collectively, the sinkhole measures approximately 10 feet long by 4 feet wide by 4.5 feet deep. The drainage area to this sinkhole is approximately 50 feet by 80 feet by 120 feet.

S-1 and S-2 will be located within a 2.089-acre Critical Environmental Feature (CEF) buffer area. A 0.433 acre buffer area is required S-3. These buffers are shown on the site plan for Marquis Ranch Self Storage but were not shown on the zoning application. A restrictive covenant was required as part of the site plan review for the Marquis Ranch Self Storage site plan due to the complexity of

discharging treated stormwater runoff into sinkholes S-1 and S-2 while trying to eliminate disturbance to the area adjacent to the sinkholes. The primary CEF protective measures of this restrictive covenant are:

- Installing and maintaining a chainlink protective fence at the outer perimeter of the CEF buffer to minimize disturbance other than water quality treatment;
- Installing and maintaining a chainlink protective fence at a distance of 50 feet radially from the edge of sinkholes S-1 and S-2 to limit disturbance to the native vegetation and to limit access;
- Removing organic debris (mulch, wood logs) and construction debris from the CEF buffer;
- Constructing, operating and maintaining a vegetative infiltration strip within the outer CEF buffer in order to provide additional treatment of stormwater discharged from the sedimentation/filtration basin.

Recommendations for the Conditional Overlay associated with the Zoning application

Identify the locations of sinkhole Critical Environmental Features S-1, S-2 and S-3 and their associated buffer areas. The locations of these features are shown in Exhibit A(1) and A(2). Metes and bounds descriptions for the 2.089 acre buffer for S-1 and S-2 are referenced as Exhibit "B" and metes and bounds descriptions for the 0.433 acre buffer of S-3 are referenced as Exhibit "C."

No construction or disturbance is allowed within the area within 50 feet of Critical Environmental Features S-1 and S-2. Metes and bounds descriptions for this 0.397 acre area are provided as Exhibit "F."

Allow only the construction, operation and maintenance of a vegetative infiltration strip within the outer Critical Environmental Feature buffer of S-1 and S-2, as shown in the shaded area displayed in Exhibit "D."

Restrict impervious cover to 65% (as proposed in SP-2008-0090D and allowed by ordinance).
Restrict land uses to those currently proposed in the site plan or existing. (storage units and boat storage and repair)

Apply all allowances, prohibitions and restrictions of the Restrictive Covenant for Lot 1 Block A of the ZFB Re-subdivision, Williamson County.

CITY COUNCIL DATE: May 14, 2009
June 11, 2009

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

PHONE: 974-7604
stephen.rye@ci.austin.tx.us

EXHIBIT LIST

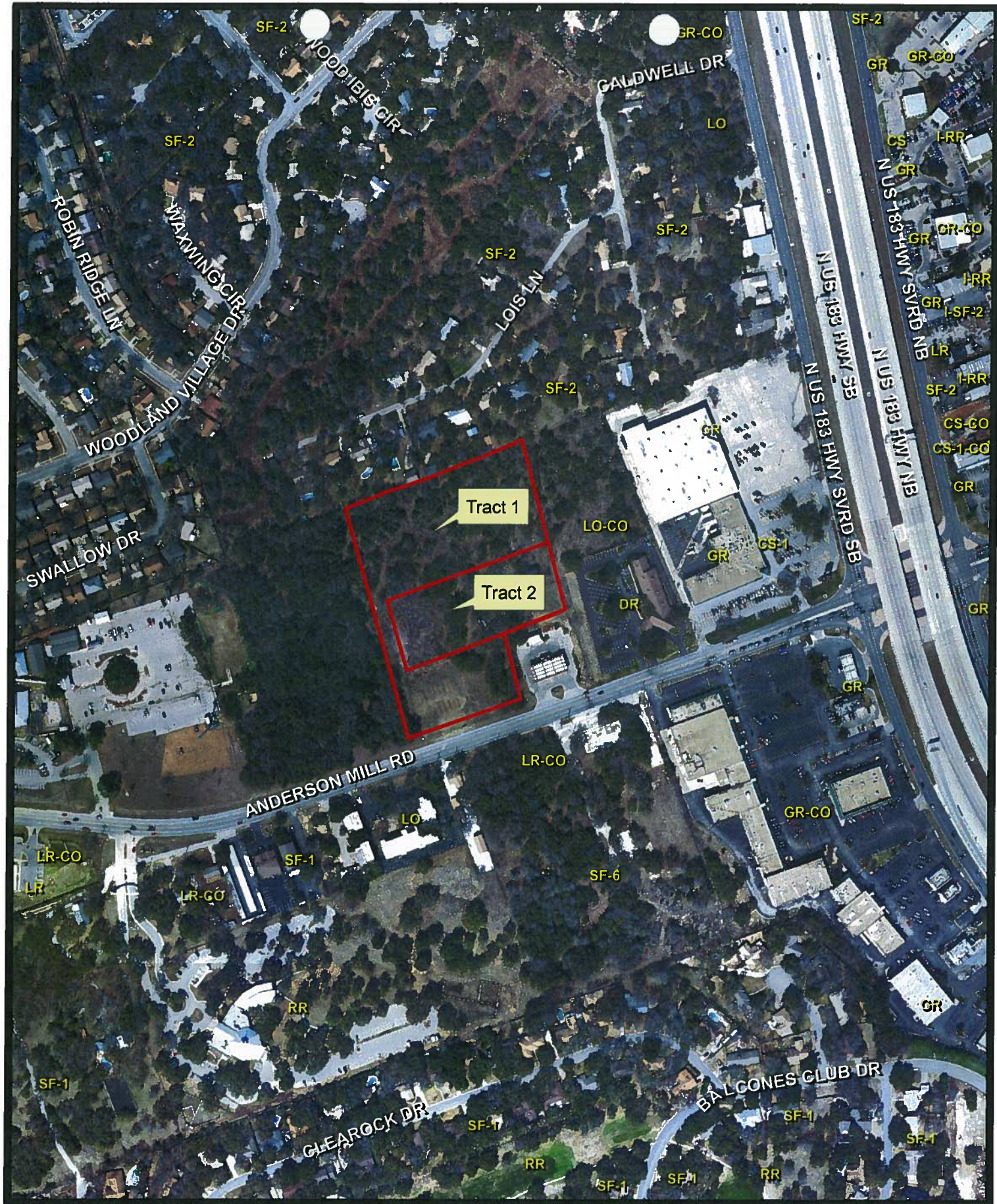
- Exhibit A(1) – Critical Environmental Feature Setback
- Exhibit A(2) - Critical Environmental Feature Setback - Detail
- Exhibit A(3) – Tract 2 Site Plan
- Exhibit A(4) – Tract 1 Site Plan
- Exhibit A(5) – Critical Environmental Feature Summary

- Exhibit B – CEF survey for 2.089 acre CEF buffer
- Exhibit C – CEF survey for 0.433 acre CEF buffer
- Exhibit D – Water Quality Treatment CEF Buffer Exhibit
- Exhibit E – CEF survey for 2.211 acre CEF buffer
- Exhibit F – CEF survey for 0.397 acre CEF buffer

- Exhibit G – Sinkhole CEF photos
- Exhibit H – Restrictive Covenant Agreement for Water Quality Drainage Easement and
Critical Environmental Features

- Exhibit I – Resubdivision of Lot 1
- Exhibit J – Annexation Ordinance

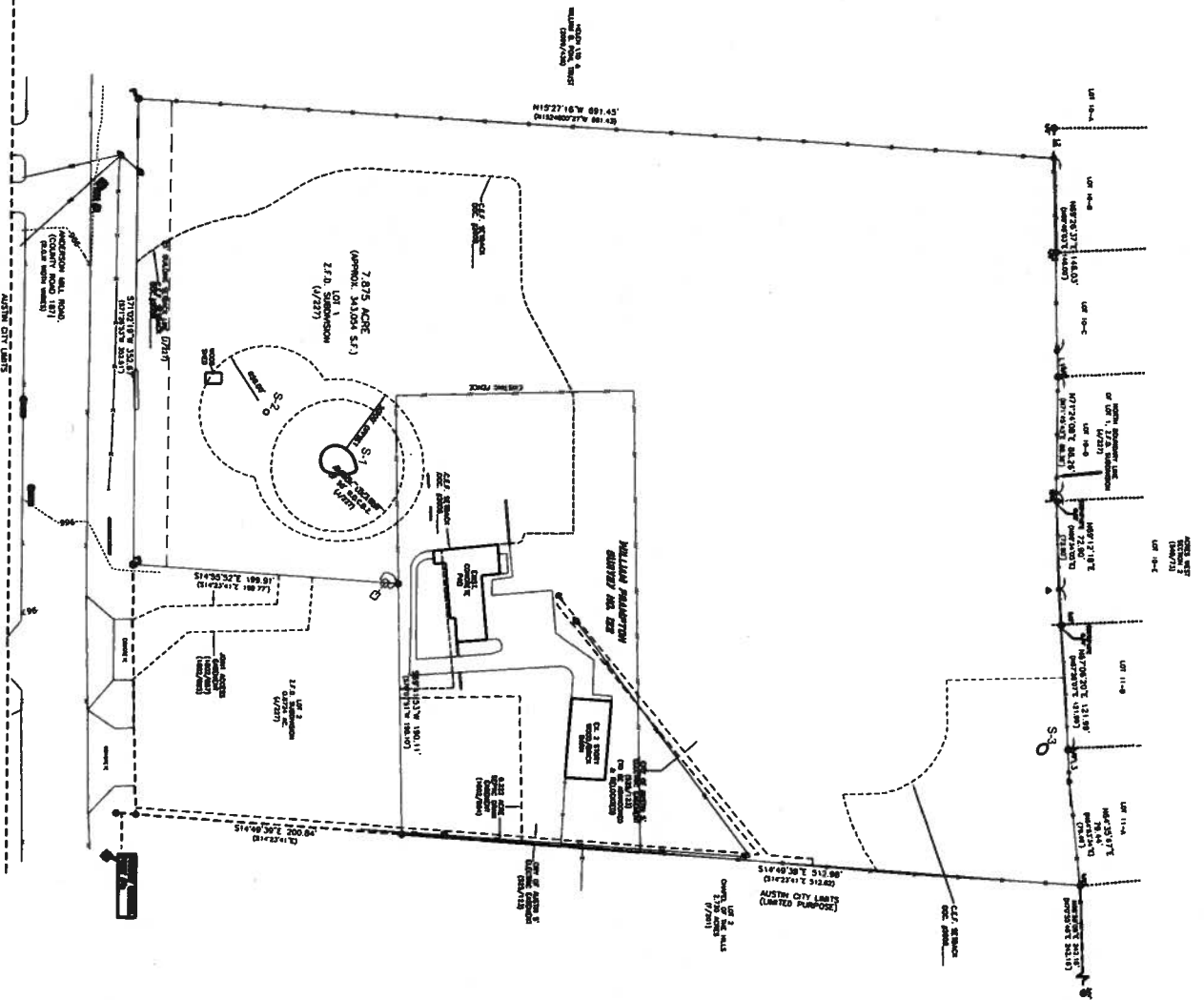
This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**C14-2008-0234 - ZFB, LTD. Rezoning
From Development Reserve (DR) to CS (Commercial Services)
and CR (Commercial Recreation) District Zoning**



Exhibit A
(1)



SCALE: 1" = 40'
SCALE IN FEET
30 0

**MARQUIS RANCH
SELF STORAGE - AUSTIN**
8718 ANDERSON MILL RD.
AUSTIN, TEXAS
WILLIAMSON COUNTY

Thrower Design
200 WINDYBROOK RD., BLDG. 2 • ALLEN, TEXAS • 75001 • (972) 476-0100
LAND PLANNERS



AMC
DESIGN
GROUP

INDUSTRIAL, AGRICULTURAL, COMMERCIAL, DOMESTIC PLANTS

112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-11

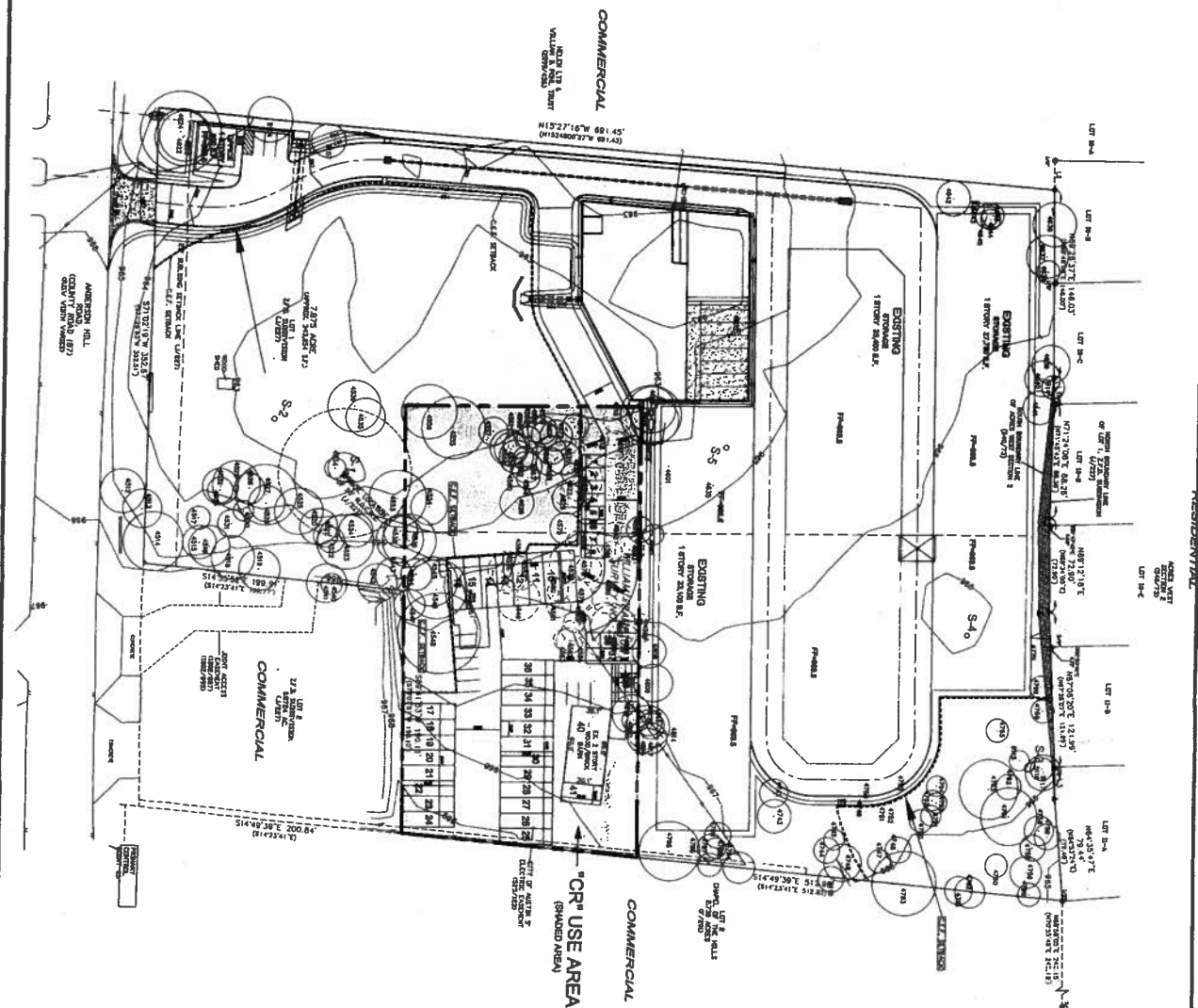
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EXHIBIT

SECRET

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89-2006-00200

[illegible]

Critical Environmental Feature Summary
ZFB Zoning application, Case No. C14-2008-0234
(aka Marquis Ranch Self Storage site plan SP-2008-0090D)
9718 Anderson Mill Road

There are three (3) sinkhole Critical Environmental Features (S-1, S-2 and S-3) located on the ZFB tract. The largest sinkhole, S-1, has a drainage area of 28.59 acres. The rim of the collapse sink has the approximate dimensions of 25 feet long by 20 feet wide and is 8 feet deep. A probable cave passage is located at the northeast end of the collapse sink. The passage is blocked by debris and has not been entered by applicant's consultant or by City of Austin staff. Therefore, the full extent of the cave underlying the collapse sink is unknown. Although a sinkhole buffer of 300 feet radius is allowed by the Land Development Code (25-8-281 (C)), WPDRD staff compromised with the applicant to reduce the buffer to 50 feet up to 250 feet. The Texas Commission on Environmental Quality (TCEQ) required that the buffer be a minimum of 75 feet in all directions. This 75 feet requires the removal of a fence recently constructed at the perimeter of an interior lot.

Sinkhole S-2 is located approximately 45 feet southwest of the edge of S-1. This smaller sinkhole has the approximate dimensions of 6 feet long by 1.5 feet wide by 4 feet deep. There are two openings in the subsurface, one is 2 feet wide by 3 feet long by 4 feet deep and the second is 2 feet in diameter by 4.5 feet deep. The drainage area to this sinkhole has not been delineated separately from the drainage area of S-1. S-2 probably connects to a cave system thought to underlie the site.

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S-1 and S-2 will be located within a 2.089-acre Critical Environmental Feature (CEF) buffer area. A 0.433 acre buffer area is required S-3. These buffers are shown on the site plan for Marquis Ranch Self Storage but were not shown on the zoning application. A restrictive covenant was required as part of the site plan review for the Marquis Ranch Self Storage site plan due to the complexity of discharging treated stormwater runoff into sinkholes S-1 and S-2 while trying to eliminate disturbance to the area adjacent to the sinkholes. The primary CEF protective measures of this restrictive covenant are:

- Installing and maintaining a chainlink protective fence at the outer perimeter of the CEF buffer to minimize disturbance other than water quality treatment;
- Installing and maintaining a chainlink protective fence at a distance of 50 feet radially from the edge of sinkholes S-1 and S-2 to limit disturbance to the native vegetation and to limit access;
- Removing organic debris (mulch, wood logs) and construction debris from the CEF buffer;

- Constructing, operating and maintaining a vegetative infiltration strip within the outer CEF buffer in order to provide additional treatment of stormwater discharged from the sedimentation/filtration basin.

Recommendations for the Conditional Overlay associated with the Zoning application

1. Identify the locations of sinkhole Critical Environmental Features S-1, S-2 and S-3 and their associated buffer areas. The locations of these features are shown in Exhibit "A." Metes and bounds descriptions for the 2.089 acre buffer for S-1 and S-2 are referenced as Exhibit "B" and metes and bounds descriptions for the 0.433 acre buffer of S-3 are referenced as Exhibit "C."
2. No construction or disturbance is allowed within the area within 50 feet of Critical Environmental Features S-1 and S-2. Metes and bounds descriptions for this 0.397 acre area are provided as Exhibit "F."
3. Allow only the construction, operation and maintenance of a vegetative infiltration strip within the outer Critical Environmental Feature buffer of S-1 and S-2, as shown in the shaded area displayed in Exhibit "D."
4. Restrict impervious cover to 65% (as proposed in SP-2008-0090D and allowed by ordinance).
5. Restrict land uses to those currently proposed in the site plan or existing. (storage units and boat storage and repair)
6. Apply all allowances, prohibitions and restrictions of the Restrictive Covenant for Lot 1 Block A of the ZFB Re-subdivision, Williamson County. Document # _____



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

Exhibit "B"

2.089 ACRES
WILLIAM FRAMPTON SURVEY NO. 122

A DESCRIPTION OF A 2.089 ACRES (APPROXIMATELY 90,985 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 2.089 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the south line of said Lot 1, Z.F.B. Subdivision, being also in the north right-of-way line of Anderson Mill Road, (County Road 187)(right-of-way width varies) for the beginning of a non-tangent curve to the right, from which a 1" bolt found, bears South 71°02'19" West, a distance of 123.62 feet;

THENCE leaving the north right-of-way line of Anderson Mill Road (CR 187) over and across Lot 1, Z.F.B. Subdivision, the following fifteen (15) courses:

1. Following said non-tangent curve to the right having a radius of 150.00 feet, a delta of 34°35'38", an arc distance of 90.57 feet, and a chord which bears, North 42°38'01" West, having a distance of 89.20 feet to a calculated for the beginning of a reverse curve to the left;
2. Following said reverse curve to the left having a radius of 131.00 feet, a delta of 16°23'52", an arc distance of 37.49 feet, and a chord which bears, North 46°46'45" West, having a distance of 37.36 feet to a calculated for the beginning of a reverse curve to the right;
3. Following said reverse curve to the right having a radius of 95.00 feet, a delta of 39°31'24", an arc distance of 65.53 feet, and a chord which bears, North 35°12'59" West, having a distance of 64.24 feet to a calculated point;
4. North 15°27'16" West, a distance of 92.84 feet to a calculated point for the beginning of a curve to the right;
5. Following said curve to the right having a radius of 20.00 feet, a delta of 85°09'10", an arc distance of 29.72 feet, and a chord which bears, North 27°07'19" East, having a distance of 27.06 feet to a calculated point;
6. North 69°41'53" East, a distance of 58.62 feet to a calculated point for the beginning of a curve to the left;

7. Following said curve to the left having a radius of 55.00 feet, a delta of $27^{\circ}42'27''$, an arc distance of 26.60 feet, and a chord which bears, North $55^{\circ}50'40''$ East, having a distance of 26.34 feet to a calculated point;
8. North $41^{\circ}59'27''$ East, a distance of 63.50 feet to a calculated point for the beginning of a curve to the right;
9. Following said curve to the right having a radius of 20.00 feet, a delta of $28^{\circ}37'36''$, an arc distance of 9.99 feet, and a chord which bears, North $56^{\circ}18'14''$ East, having a distance of 9.89 feet to a calculated point;
10. North $70^{\circ}37'02''$ East, a distance of 101.33 feet to a calculated point;
11. South $19^{\circ}22'58''$ East, a distance of 36.64 feet to a calculated point;
12. South $87^{\circ}47'18''$ East, a distance of 7.17 feet to a calculated point;
13. South $24^{\circ}39'37''$ East, a distance of 59.83 feet to a calculated point;
14. North $65^{\circ}20'23''$ East, a distance of 105.30 feet to a calculated point;
15. South $20^{\circ}18'07''$ East, a distance of 40.63 feet to a calculated point in the south line of Lot 1 Z.F.B. Subdivision, being also the north line of Lot 2, Z.F.B. Subdivision, from which a 1/2" rebar with plastic cap stamped "Chaparral Boundary" set, bears North $69^{\circ}41'53''$ East, a distance of 110.17 feet;


THENCE with the common lines of Lots 1 and 2, Z.F.B. Subdivision, the following two (2) courses:

1. South $69^{\circ}41'53''$ West, a distance of 79.93 feet to a 1/2" rebar found;
2. South $14^{\circ}55'52''$ East, a distance of 199.91 feet to a 1" bolt found for the southeast corner of Lot 1, Z.F.B. Subdivision, being also the southwest corner of Lot 2, Z.F.B. and in the north right-of-way line of Anderson Mill Road;

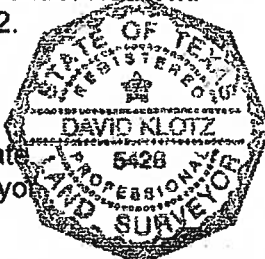
THENCE South $71^{\circ}02'19''$ West, with the south line of Lot 1, Z.F.B., Subdivision, being also the north right-of-way line of Anderson Mill Road, a distance of 229.05 feet to the **POINT OF BEGINNING**, containing 2.089 acres of land, more or less.

Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

Attachment: Drawing 139-003-CEF-2.

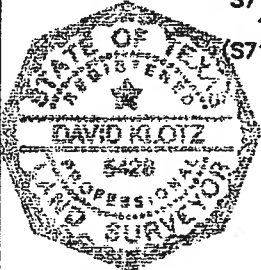
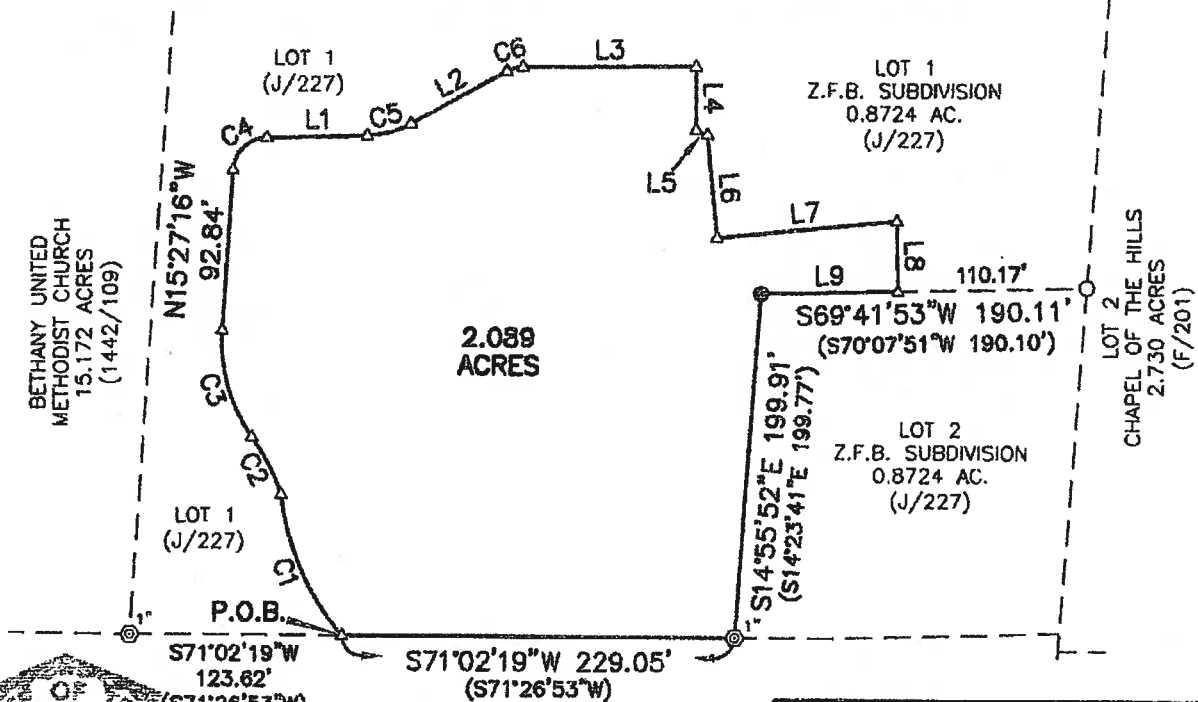

David Klotz
Registered Professional Land Surveyor
State of Texas No. 5428

Date



2 of 3

SKETCH TO ACCOMPANY A DESCRIPTION OF 2.089 ACRES (APPROXIMATELY 90,985 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

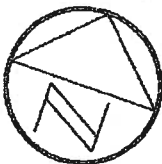


WILLIAM FRAMPTON
ABSTRACT NO. 230
SURVEY NO. 122

LEGEND	
●	1/2" REBAR FOUND
○	1/2" REBAR WITH CAP SET
⊙	BOLT IN CONC FOUND
△	CALCULATED POINT

LINE TABLE		
No.	BEARING	LENGTH
L1	N69°41'53"E	58.62'
L2	N41°59'27"E	63.50'
L3	N70°37'02"E	101.33'
L4	S19°22'58"E	36.64'
L5	S87°47'18"E	7.17'
L6	S24°39'37"E	59.83'
L7	N65°20'23"E	105.30'
L8	S20°18'07"E	40.63'
L9	S69°41'53"W	79.93'

SCALE
1"=100'



CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	34°35'38"	150.00'	46.71'	90.57'	89.20'	N42°38'01"W
C2	16°23'52"	131.00'	18.87'	37.49'	37.36'	N46°46'45"W
C3	39°31'24"	95.00'	34.13'	65.53'	64.24'	N35°12'59"W
C4	85°09'10"	20.00'	18.38'	29.72'	27.06'	N27°07'19"E
C5	27°42'27"	55.00'	13.56'	26.60'	26.34'	N55°50'40"E
C6	28°37'36"	20.00'	5.10'	9.99'	9.89'	N56°18'14"E

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE,
1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION
139-003-CEF-2

DATE OF SURVEY: 07/12/07
PLOT DATE: 02/09/09
DRAWING NO.: 139-003-CEF-2
PROJECT NO.: 139-003

Chaparral



**Professional Land Surveying, Inc.
Surveying and Mapping**

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

Exhibit " C "

**0.433 ACRES
WILLIAM FRAMPTON SURVEY NO. 122**

A DESCRIPTION OF A 0.433 ACRES (APPROXIMATELY 18,859 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.433 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" Iron pipe found for the northeast corner of said Lot 1, Z.F.B. Subdivision, being also the southeast corner of Acres West Section 2, a subdivision of record in Cabinet B, Slide 222 of the Plat Records of Williamson County, Texas, the southwest corner of Acres West, a subdivision of record in Cabinet 4, Slide 65, of the Plat Records of Williamson County, Texas and the Northwest corner of Lot 2, Chapel of the Hills, a subdivision of record in Cabinet F, Slide 201, of the Plat Records of Williamson County, Texas, from which a 3/4" iron pipe found bears, North 68°58'05" East, a distance of 242.15 feet;

THENCE South 14°49'39" East, with the east line of said Lot 1, Z.F.B. Subdivision, being also the west line of Lot 2, Chapel of the Hills subdivision, a distance of 154.31 feet to a calculated point for the beginning of a non-tangent curve to the right, from which a 1/2" rebar with plastic cap stamped "Chaparral Boundary" set, bears South 14°49'39" East, a distance of 358.67 feet;

THENCE leaving the west line of Lot 2 Chapel of the Hills subdivision, over and across said Lot 1, Z.F.B. Subdivision, the following six (6) courses:

1. Following said non-tangent curve to the right having a radius of 152.77 feet, a delta of 23°46'29", an arc distance of 63.39 feet, and a chord which bears, South 46°27'16" West, having a distance of 62.94 feet to a calculated point;
2. North 20°18'07" West, a distance of 21.98 feet to a calculated point for the beginning of a curve to the left;
3. Following said curve to the left having a radius of 58.00 feet, a delta of 82°29'00", an arc distance of 83.50 feet, and a chord which bears, North 61°32'36" West, having a distance of 76.47 feet to a calculated point;

4. South $69^{\circ}31'13''$ West, a distance of 34.77 feet to a calculated point;
5. North $20^{\circ}18'07''$ West, a distance of 84.30 feet to a calculated point in the south line of Acres West Section 2, from which a $1/2''$ rebar with plastic cap stamped "Chaparral Boundary" set bears, South $64^{\circ}05'53''$ West, a distance of 66.75 feet;
6. Continuing over and across Lot 1, Z.F.B. Subdivision, North $64^{\circ}05'53''$ East, a distance of 78.99 feet to a nail found in the common line of said Lot 1, Z.F.B. Subdivision, and Acres West Section 2;

THENCE North $64^{\circ}35'47''$ East, with the common line of Lot 1, Z.F.B. Subdivision, and Acres West Section 2, a distance of 79.44 feet to the **POINT OF BEGINNING**, containing 0.433 acres of land, more or less.

Surveyed on the ground May, 2007. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/83 HARN Values from LCRA Control Network.

Attachments: Drawing 139-003-CEF-1.



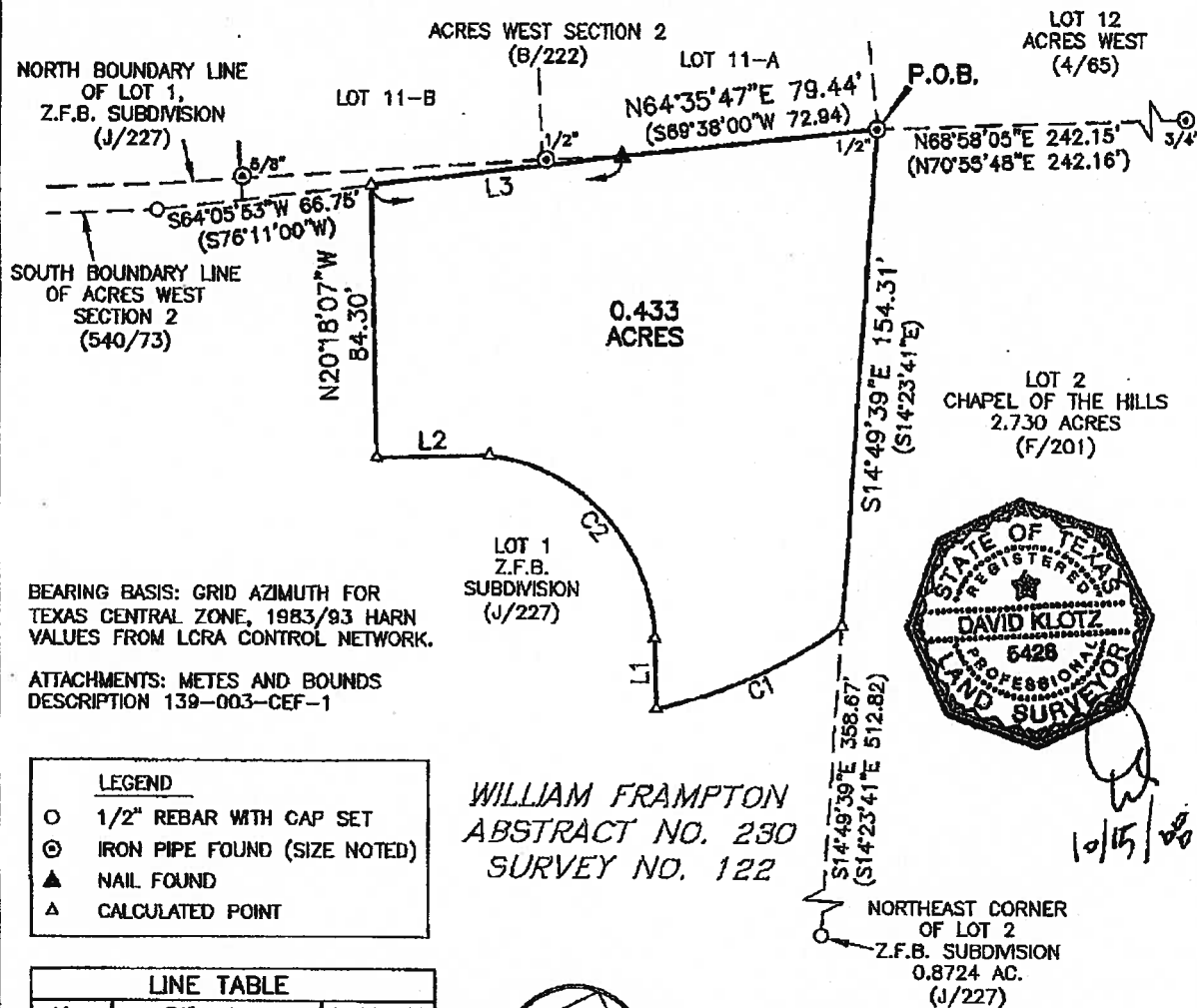
David Klotz
Registered Professional Land Surveyor
State of Texas No. 5428

10/15/07

Date



SKETCH TO ACCOMPANY A DESCRIPTION OF 0.433 ACRES (APPROXIMATELY 18,859 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.



Chaparral

3 of 3

8-200-0060

Rye, Stephen

From: McManus, Teri
Sent: Friday, February 20, 2009 11:34 AM
To: Jarvis, Shandrian
Cc: Derr, Gordon; Marsh, Peter; Stoll, Garner; Guernsey, Greg; Gutshall, Caleb; Purcell, Allan
Subject: RE: ZFB - Marquis Ranch- 9708 Anderson Mill Rd (C14-2008-0234)

Shandrian, At our meeting last week, you coordinated a review of the request with WP&DR, NPZD & Trans./PW staff. I appreciate you bringing us together so we could discuss the request & the site plan issues.

I'm sending this to confirm NPZD is unable to support the request to not dedicate 7-feet of additional ROW for Anderson Mill Road. This is based on the administrative variance authority granted in LDC Ch. 25-6-51, Div. 2, "Reservation of Right-of-Way", (A)(1), and Ch. 25-6-86, Div.2, "Variance From Dedication Requirements", (A)(1) and (2). We did not find the dedication request placed "undue hardship on the property owner because of special circumstances applicable to the property" or "render the property unsuitable for an economically feasible use."

I should point out the TCM currently has cross-sections for a 4-lane divided arterial requiring less than 114-feet. Design discretion is also granted to the Public Works Director regarding. Also, I'd like to emphasize this is a multi-jurisdictional roadway, and we have successfully coordinated ROW & alignment issues with Travis & Williamson Counties for a number of years. I suggest we continue to do so.

The applicant may appeal the denial of a variance to the council. NPZD staff does recommend consideration of a code amendment, if it may be beneficial to allow administrative authority for variances due to significant, negative environmental impacts. This could be incorporated in the recommendation to the City Council.

Teri L. McManus
Principal Planner, Neighborhood Planning & Zoning
One Texas Center, 5th Floor, #529
City of Austin, P.O. Box 1088, Austin, Texas 78767-1088
Direct 512.974.6447
Fax 512.974.2269

From: Jarvis, Shandrian
Sent: Friday, February 20, 2009 9:33 AM
To: Marsh, Peter; McManus, Teri
Cc: Derr, Gordon
Subject: RE: ZFB - Marquis Ranch- 9708 Anderson Mill Rd (C14-2008-0234)

Thanks Peter.

Shandrian

From: Marsh, Peter
Sent: Friday, February 20, 2009 9:32 AM
To: Jarvis, Shandrian; McManus, Teri
Cc: Derr, Gordon
Subject: ZFB - Marquis Ranch- 9708 Anderson Mill Rd (C14-2008-0234)

Shandrian:

3/3/2009

Gordon Derr forwarded your e-mail to me to respond.

As you know the City recently annexed Anderson Mill Road, the eastern section where this property is located is currently an un-improved rural cross-section. I can be anticipated that sometime in the future this section will be improved, in which case the full 114 feet right-of-way width will be required.

The dedication of 7'-0" of right-of-way should not have any substantial impact on this development and could be critical to any future road improvements projects.

I understand that there are environmental features on the property, however any future road improvement projects will likely include the constriction of curb and gutter and a stormwater collection system that would provide additional protection to the sinkhole from run-off.

I cannot support a waiver from the dedication requirements of 7'-0" of right-of-way to provide for a full 114'-0" width.

Peter Marsh, P.E., Acting Supervising Engineer North Austin
Transportation Department

From: Jarvis, Shandrian
Sent: Wednesday, February 11, 2009 3:43 PM
To: McManus, Teri; Derr, Gordon
Cc: Almazan, Joe
Subject: FW: ZFB - Marquis Ranch- 9708 Anderson Mill Rd (C14-2008-0234)

Teri/Gordon,

The owner for the above referenced property is requesting a waiver from right of way dedication requirements. The AMATP identifies a need for 114 ft. of ROW. Currently, there is 100 ft. of ROW available. There is a sink hole located on the property and it is currently buffered from the Anderson Mill ROW. Dedication of the 7 feet will reduce the buffer and likely increase drainage from the road into the sinkhole (according to the staff hydrogeologist).

I would like to recommend a waiver from dedication requirements. Do you have any objections?



Shandrian Jarvis, AICP

Senior Planner

Watershed Protection & Development Review Department
505 Barton Springs Rd., 4th floor
Tel: (512) 974-2628
Fax: (512) 974-3010
Email: shandrian.jarvis@ci.austin.tx.us

From: Ron Thrower [<mailto:Ron@throwerdesign.com>]
Sent: Wednesday, February 11, 2009 1:19 PM
To: Jarvis, Shandrian
Cc: Pope, Sylvia
Subject: ZFB - Marquis Ranch

Shandrian,

I believe you are asking my client to dedicate 7' of right-of-way on Anderson Mill Road in accordance with the

3/3/2009

roadway plan. My client's property has been through review for a site plan which a Critical Environmental Feature is found and the City has asked for an extensive setback. This setback extends all the way to the right-of-way and we have but a small section of frontage which provides reasonable access to the rear of the property. I would venture that if Anderson Mill was not located here that the buffer would be even greater.

So my issue with giving the land to the city is – If my client can not build on the land then why should the city ever have the right to build on it? I think it would be best for the City to eventually acquire all the necessary right-of-way from the south side of Anderson Mill and leave my client's property intact.

I'm copying Sylvia Pope on this as she was deeply involved with setback issues during the site plan review.

Ron Thrower

Thrower Design

4608-A South Lamar Blvd.
Austin, Texas 78745
512/476-4456
512/476-4454 fax

CONFIDENTIALITY NOTICE: This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are notified that any use, dissemination, distribution, or copying of this communication or any attachment is strictly prohibited. In such event, please contact the sender immediately and delete all copies of this communication and any attachment.

3/3/2009

Rye, Stephen

From: Marsh, Peter
Sent: Friday, February 20, 2009 9:32 AM
To: Jarvis, Shandrian; McManus, Teri
Cc: Derr, Gordon
Subject: ZFB - Marquis Ranch- 9708 Anderson Mill Rd (C14-2008-0234)

Shandrian:

Gordon Derr forwarded your e-mail to me to respond.

As you know the City recently annexed Anderson Mill Road, the eastern section where this property is located is currently an un-improved rural cross-section. It can be anticipated that sometime in the future this section will be improved, in which case the full 114 feet right-of-way width will be required.

The dedication of 7'-0" of right-of-way should not have any substantial impact on this development and could be critical to any future road improvements projects.

I understand that there are environmental features on the property, however any future road improvement projects will likely include the constriction of curb and gutter and a stormwater collection system that would provide additional protection to the sinkhole from run-off.

I cannot support a waiver from the dedication requirements of 7'-0" of right-of-way to provide for a full 114'-0" width.

Peter Marsh, P.E., Acting Supervising Engineer North Austin
Transportation Department

From: Jarvis, Shandrian
Sent: Wednesday, February 11, 2009 3:43 PM
To: McManus, Teri; Derr, Gordon
Cc: Almazan, Joe
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I would like to recommend a waiver from dedication requirements. Do you have any objections?



Shandrian Jarvis, AICP
Senior Planner

Watershed Protection & Development Review Department
505 Barton Springs Rd., 4th floor
Tel: (512) 974-2628
Fax: (512) 974-3010

3/3/2009

Email: shandrian.jarvis@ci.austin.tx.us

From: Ron Thrower [mailto:Ron@throwerdesign.com]
Sent: Wednesday, February 11, 2009 1:19 PM
To: Jarvis, Shandrian
Cc: Pope, Sylvia
Subject: ZFB - Marquis Ranch

Shandrian,

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Ron Thrower

Thrower Design

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3/3/2009



MEMORANDUM

DATE: February 26, 2009
SUBJECT: Zoning Case # C14-2009-0003

Notes: 2/26/08, 2:00PM

Notes from Shandrian Jarvis' telephone conversation with R.L. Heinrichs

Mr. Heinrichs expressed concern about the safety of motorists along the section of Anderson Mill Road that serves the ZFB property. He says that recent accident data show a significant number of accidents related to turning movements associated with the Valero Service Station. He supports upgrading the facility to a five-lane section with a center turn lane. He does not support the request for a right of way waiver.

Rye, Stephen

From: SMorledge [REDACTED]
Sent: Thursday, January 29, 2009 8:38 PM
To: Rye, Stephen
Subject: 9708 Anderson Mill Rd Zoning Case

Steve,

I am the president of the Arboretum Park Residential Condominium Association, located at 9707 Anderson Mill Rd. Our thirty-nine detached single family homes are located directly across the street from the proposed "CS" zoning request at 9708 Anderson Mill. We are opposed to the intensity of this zoning category locating across the street from our homes.

As stated in your notice, "CS" zoning has "operating characteristics or traffic service requirements **generally incompatible with residential environments**" Hopefully, this language from your zoning manual, and our obvious proximity, are reason enough to choose a more compatible zoning designation. In addition, the rear of the site is also bordered by a neighborhood of single family homes which will be equally impacted.

Just so we are not misunderstood, we are not at all opposed to development of the site. In fact, our condominium association will gladly support any residential zoning request on the property, and or a neighborhood office (NO) or neighborhood commercial (LR) designation.

Please forward these concerns to the zoning commission members prior to their consideration of this case, and please keep me apprised of any changes in this case.

Thank You.

Scott Morledge

PS: Please forward your list of contacts so we can confirm that all of our residents are on your notification list.

Know Your Numbers: Get [tips](#) and [tools](#) to help you improve your credit score.

1/30/2009

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0234

Contact: Steve Rye, 512-974-7604

Public Hearing:

February 17, 2009 Zoning and Platting Commission

Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application Austin, TX 76750

9107 Anderson Mill Rd. #37 2/19/09

Steve Rye Signature " " Date

Comments: Traffic is a nightmare in

front of Anderson Park. Just turning

into the community drive west, with

no left turn lane is very dangerous.

I always hold my breath that I won't

be hit in the neighborhood my car is waiting

turn. We are not even close yet to

full capacity (39 total homes) with only

about 13 homeowners living here so far.

I do not want more businesses with

the extra people all converging in this area in

front of Anderson Park.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye, j

P. O. Box 1088

Austin, TX 78767-8810

Could get a lot worse! (I think) if this passed! —

PUBLIC HEARING INFORMATION

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Case Number: C14-2008-0234

Contact: Steve Rye, 512-974-7604

Public Hearing:

February 17, 2009 Zoning and Platting Commission

RACHEL GRESS - AM DENTAL

Your Name (please print)

9801 ANDERSON MIL #109 AUSTIN 78759

Your address(es) affected by this application.

Rachel Molina Gress

Signature

2-13-09

Date

Comments: TRAFFIC CONCERNS WITH TRUCKS
& LARGER VEHICLES & BOATS WOULD
CREATE SERIOUS PROBLEMS ON ANDERSON
MIL ROAD. IT IS 4 LANES & NO
MIDDLE TURN LANE & TRAFFIC IS
VERY CONGESTED DUE TO THE
PROJECTS PROXIMITY TO 183 (Hwy)
BIG COMMERCIAL AREA TO FACES & 2 BIG
CHURCHES & MOST TRAVELED WAY FROM
183 TO 620. NOT GOOD AT ALL!

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2008-0234

Contact: Steve Rye, 512-974-7604

Public Hearing:

February 17, 2009 Zoning and Platting Commission

Carolyn & Joe Pils

Your Name (please print)

13509 Lois Ln.

Your address(es) affected by this application

2-13-09

Signature

Date

Comments: We strongly object to changing the zoning for these Tracts of land to C-3 & C-2 because any type of commercial business can be built on that land. C-2-CO is much more preferable and is much more compatible with our neighborhood.

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City of Austin

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rézonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la *Internet*:

www.ci.austin.tx.us/development

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-2008-0234

Persona designada: Steve Rye, 512-974-7604

Audiencia Publica:

February 17, 2009 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Brenda Snow + Carl Snow

Su nombre (en letra de molde)

13510 Caldwell Dr

Su domicilio(s) afectado(s) por esta solicitud

Firma

Fecha

Comments:

Across West neighbors on Lars Lane directly share the boundaries. Any "Equipment Maintenance" will generate noise (air impact wrenches, etc) that will significantly impact our quality. Noise issues are a priority & should not be allowed.

Si usted usa esta forma para proveer comentarios, puede retornarlos a: City of Austin

Neighborhood Planning & Zoning Department

Steve Rye,

P. O. Box 1088

Austin, TX 78767-8810

on properties that share boundary

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Case Number: C14-2008-0234

Contact: Steve Rye, 512-974-7604

Public Hearing:

February 17, 2009 Zoning and Platting Commission

Howard Feinstein

Your Name (please print)

12103 Swallow Drive Austin

Your address(es) affected by this application

Howard Feinstein 2-17-09

Signature

Date

Comments:

I object to the zoning change to CS as by definition, it is incompatible with residential environments

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Steve Rye,}
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2008-0234

Contact: Steve Rye, 512-974-7604

Public Hearing:

February 17, 2009 Zoning and Platting Commission

CINDY BARRON

Your Name (please print)

☐ I am in favor
☒ I object

13602 CALDWELL DRIVE

Your address(es) affected by this application

C. Barron

Signature

2/9/09
Date

Comments:

CS + CR zoning is too
intense for this property
because of the residential
properties that adjoin the
near property lines and
the critical environmental
features (5 sinkholes) that
are contained within these
tracks.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2008-0234

Contact: Steve Rye,, 512-974-7604

Public Hearing:

February 3, 2009 Zoning and Platting Commission

☐ I am in favor
☒ I object

Bethany UMC
Your Name (please print)

10010 ANDERSON MILL RD
Your address(es) affected by this application

SL Stone
Signature

1/3/09
Date

Comments:

Our concern is how the overall presentation and look of our neighborhood would be affected for the worse.

Property valuation is also a concern.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810

PETITION

February 17, 2008

C14-2008-0234

9710 & 9718 Anderson Mill Road

ZFB Subdivision Lot 1

To: Austin City Council

Cc: Zoning & Platting Commission

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO-CO.

The CS zoning request for Tract 1 by COA definition is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally *incompatible* with residential environments. This tract is bounded on the north by residential properties. Allowing CS zoning would not comply with COA's objectives to provide an acceptable transition from commercial uses to residential properties. The proposed site plan (SP-2008-0090D submitted in the final months prior to full-purpose annexation with the intent to establish an existing use) offers virtually no buffer for the residents located along the northern boundary.

The CR zoning request for Tract 2 by COA definition is intended to provide for the commercial services and recreational needs of tourists and visitors to major recreational areas such as *Lake Travis* or *Lake Austin*. Site development regulations applicable to a CR district use are designed to minimize visual and environmental disruptions of scenic views. This tract is basically hidden from public view and located miles from Lake Austin and quite some distance from Lake Travis; i.e, no scenic views to disrupt and no recreational need established. Again, CR zoning would not be compatible with the surrounding residential, church(s), funeral home, daycare, condo and office properties.

Five sinkholes have been located on these tracts. At least one has been identified by city hydrogeologists to capture and feed stormwater runoff directly into the Edwards Aquifer. Any development or zoning designation should be restricted to protect these critical environmental features. It is critical that restrictive covenants and conditional overlays be referenced and incorporated into the zoning ordinance during this stage of the process to ensure protection of these environmentally sensitive features.

The property in this case is located in the Williamson County portion of Anderson Mill Road (recently annexed 12/31/08) that has not yet been widened and improved. Any new development in this area will, no doubt, impact the safety of anyone who travels this roadway. It's important to note that the current level of traffic accidents in this area averages about three per month due primarily to the fact that there is no center turn lane. Current driveway approaches are too many, too close, and too confusing.

LO permitted uses should be limited to administrative and business offices, art galleries and workshops, professional offices, software development, family home, and religious assembly.

Contact: Cindy Barron 258.2142

C14-2008-0234

R319889
ALLEN, WILLIAM G ETUX
13409 LOIS LN
AUSTIN, TX 78750-2211
S3013 - Acres West Sec 2

2/15/09

R319890
ROBERTSON, KATHLEEN
13411 LOIS LN
AUSTIN, TX 78750-2211
S3013 - Acres West Sec 2

Kathleen Robertson 2/15/09

R319891
STANFORD, ZELMA CASTANEDA & ROBERT STEPHEN
13413 LOIS LN
AUSTIN, TX 78750
S3013 - Acres West Sec 2

Zelma C. Stanford
Robert S. Stanford 2/15/09

R319893
SMITH, SAMUEL WM
13415 LOIS LN
AUSTIN, TX 78750-2211
S3013 - Acres West Sec 2

Samuel W. Smith
by
Barbara Smith 2/15/09

R319892
PAHL, JANET BROWN
13501 LOIS LN
AUSTIN, TX 78750-2213
S3013 - Acres West Sec 2

R056739
BAYLON, ANGELO S & JO ANN
13503 LOIS LN
AUSTIN, TX 78750
S3012 - Acres West

Angelo Baylon 512-250-0782
Jo Ann Baylon
2/15/09

R093216
COOK-WALDEN CHAPEL OF HILLS
C/O SERV CORP INTL/TAX, FL 8,
P.O. BOX 130548
HOUSTON, TX 77219-0548
9700 ANDERSON MILL RD
AUSTIN, TX 78750
S3381 - Chapel Of The Hills, Lot 2

R093218
REALTEX VENTURES LP
12880 W STE #D PIONEER PKWY
ARLINGTON, TX 76013
9706 ANDERSON MILL RD
AUSTIN, TX 78750
S3381 - Chapel Of The Hills, Lot 1

R462469
BETHANY UNITED METHODIST CHURCH OF AUSTIN
10010 ANDERSON MILL RD
AUSTIN, TX 78750-2127
S8748 - BETHANY TWO

R319887
MCCORMICK, SEAN
13405 LOIS LN
AUSTIN, TX 78750
S3013 - Acres West Sec 2

Sean McCormick

2/15/09

R319888
SHAW, CLIFFORD W & PEGGY A
13407 LOIS LN
AUSTIN, TX 78750-2211
S3013 - Acres West Sec 2

Clifford W Shaw
Peggy A Shaw

2/15/09

R485525
VEGA, JOHN F
13604 CALDWELL DR UNIT #34
AUSTIN, TX 78750
S9336 - COTTAGES AT LAKE CREEK CONDO

R485526
WEST, JOHNNY F & STARR
13604 CALDWELL DR UNIT #35
AUSTIN, TX 78750
S9336 - COTTAGES AT LAKE CREEK CONDO

Johnny F. + Starr West
2/16/09

R485527
WALLA, EVA
13604 CALDWELL DR UNIT #36
AUSTIN, TX 78750
S9336 - COTTAGES AT LAKE CREEK CONDO

Eva Walla
2/18/09

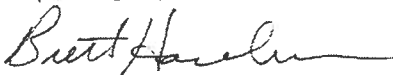
R485528
SCHMITT, THOMAS JAMES & BRENDA SUZAN
13604 CALDWELL DR UNIT #37
AUSTIN, TX 78750
S9336 - COTTAGES AT LAKE CREEK CONDO

Brenda Suzan Schmitt
2/19/09

R485529
KHAN, ARSHAD & ZARQUA
4308 SINCLAIR AVE
AUSTIN, TX 78756
13604 CALDWELL DR UNIT #38
AUSTIN, TX 78750
S9336 - COTTAGES AT LAKE CREEK CONDO

R056740
GREEN, WANDA
13505 LOIS LN
AUSTIN, TX 78750
S3012 - Acres West

R056746
HARDEMAN, BRETT
13506 CALDWELL DR
AUSTIN, TX 78750
S3012 - Acres West

Brett Hardemon 2/15/09


R493430
ARBORETUM PARK LTD
8500 #B101 BLUFFSTONE CV
AUSTIN, TX 78759
9719 ANDERSON MILL RD
AUSTIN, TX 78750
S9596 - ARBORETUM PARK MASTER CONDO

R056125
ROWSHAN, ESMAEL
6214 NORTHERN DANCER
AUSTIN, TX 78746
9725 ANDERSON MILL RD
AUSTIN, TX 78750
AW0334 - Irvine, J.C. Sur.

R062053
UTOPIA VILLAGES LP
5306 MIDDLE FISKVILLE RD
AUSTIN, TX 78751
9801 ANDERSON MILL RD
AUSTIN, TX 78750
S3537 - Davis Acres

PETITION

RE: City of Austin Case #C14-2008-0234

February 17, 2009

Lot/ Block	Wms. Co. ID	Last Name	First Name(s)	Address	Signature(s)	Date
Lt18/BIkA	R056745	Snow	Carl	13510 Caldwell Drive	<i>Carl Snow</i>	
		Snow	Brenda		<i>Brenda Snow</i>	
Lts15-16/BIkB	R056776	Smith	Dan	13511 Caldwell Drive		
		Smith	Barbara			
Lt17/BIkA	R056744	Rotthoff	Charlotte	13514 Caldwell Drive	<i>Charlotte Rotthoff</i>	2/15/09
Lts13-14/BIkB	R056774	Dittrich	Fred	13515 Caldwell Drive	<i>Fred Dittrich</i>	2/15/09
		Dittrich	Lottie		<i>Lottie Dittrich</i>	2/15/09
Lt16/BIkA	R056743	Porter	Dale	13516 Caldwell Drive	<i>Dale Porter</i>	2/15/09
		Porter	Esther		<i>Esther Porter</i>	2/15/09
Lt12/BIkB	R056773	Stark	Mike	13517 Caldwell Drive	<i>Paul Farmer</i>	2/15/09
		Stark	Cecelia	<i>Cecelia Stark</i>	<i>Mike Stark</i>	2/15/09
Lt13/BIkA	R056734	Farmer	Paul	13600 Caldwell Drive		
		Farmer	Dorothy		<i>Dorothy Farmer</i>	2/15/09
Lt11/BIkB	R056772	Morse	Bleeker	13601 Caldwell Drive	<i>Bleeker Morse</i>	2/15/09
		Morse	Catherine		<i>Catherine Morse</i>	2/15/09
Lt12/BIkA	R056733	Barron	Garry	13602 Caldwell Drive	<i>Garry Barron</i>	2/17/09
		Barron	Cindy		<i>Cindy Barron</i>	2/15/09
Lt9/BIkB	R056770	Coffey	Joe	13609 Caldwell Drive		
		Coffey	Sandy			
Lt9B, BIkA, Sec2	R319886	Adams	Austin	13410 Lois Lane	<i>Adams</i>	2/15/09
Lt9A, BIkA, Sec2	R319884	Rinehart	Mark	13412 Lois Lane	<i>Mark Rinehart</i>	2/15/09
		Rinehart	Rebecca		<i>Rebecca Rinehart</i>	2/15/09
Lt8A, BIkA, Sec2	R319883	Herring	Gene	13504 Lois Lane	<i>Gene Herring</i>	2/15/09
		Herring	Jan		<i>Jan Herring</i>	2/15/09
Lt6, BIkA	R056737	McGriff	Mary Kay	13508 Lois Lane	<i>Mary Kay McGriff</i>	2/15/09
Lt15, BIkA	R056742	Pils	Joe	13509 Lois Lane	<i>Joe Pils</i>	2/15/09
		Pils	Carolyn		<i>Carolyn C Pils</i>	2/15/09

NAME <u>Judy Miller</u> ADDRESS <u>13604 Caldwell Dr #61</u> SIGNATURE/DATE <u>J Miller 2/16/09</u> HOME # _____ OFC # _____ CELL # <u>512 447-0130</u> E-MAIL <u>judy.piano@aol.com</u>	NAME _____ ADDRESS _____ SIGNATURE/DATE _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Meagan McKeeman</u> SIGNATURE/DATE <u>2-16-09</u> ADDRESS <u>13604 Caldwell Dr.</u> HOME # <u>52</u> OFC # _____ CELL # <u>512-331-7321</u> E-MAIL <u>Meagan.McKeeman</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Christine Bechtel</u> SIGNATURE/DATE <u>2/16/09</u> ADDRESS <u>13604 Caldwell Dr #12</u> HOME # <u>#22 512-258-2248</u> OFC # _____ CELL # <u>470-7820</u> E-MAIL _____	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Betty Courtney</u> SIGNATURE/DATE <u>2/16/09</u> ADDRESS <u>13604 Caldwell Dr #63</u> HOME # <u>512 300-2560</u> OFC # _____ CELL # <u>731-9726</u> E-MAIL <u>Betty3Courtney@aol.com</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>Christine Scherwin</u> SIGNATURE/DATE <u>2-16-09</u> ADDRESS <u>13604 Caldwell Dr #69</u> HOME # <u>512 394-5884</u> OFC # <u>Same</u> CELL # <u>Same</u> E-MAIL <u>Chris.scherwin@comcombs.utexas.edu</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____
NAME <u>JOHN GUSKY</u> SIGNATURE/DATE <u>2/16/09</u> ADDRESS <u>13604 Caldwell Dr</u> HOME # <u>39</u> OFC # <u>454-2083</u> CELL # <u>544-5193</u> E-MAIL <u>96Gusky@KVUO.com</u>	NAME _____ SIGNATURE/DATE _____ ADDRESS _____ HOME # _____ OFC # _____ CELL # _____ E-MAIL _____

NAME <i>David T. J. Jr.</i> ADDRESS <i>13604 Caldwell Dr. #47 Austin TX 78730</i> SIGNATURE/DATE <i>[Signature]</i> <i>2/16/09</i> HOME # <i>47</i> OFC # CELL # <i>512-94-2496</i> E-MAIL	NAME ADDRESS SIGNATURE/DATE HOME # OFC # CELL # E-MAIL
NAME <i>Claude E Peggy Karstendiek</i> SIGNATURE/DATE <i>[Signature]</i> <i>Feb 16, 2009</i> ADDRESS <i>13604 Caldwell, Unit 48</i> HOME # <i>48 (512) 358-1817</i> OFC # CELL # <i>2 (989) 430-9389</i> E-MAIL <i>pkarstendiek@att.net</i>	NAME SIGNATURE/DATE ADDRESS HOME # OFC # CELL # E-MAIL
NAME <i>Monther Wahhab</i> SIGNATURE/DATE <i>[Signature]</i> <i>2/16/09</i> ADDRESS <i>13604 Caldwell Dr #47</i> HOME # <i>(512) 331-6014</i> OFC # CELL # <i>(512) 663-1972</i> E-MAIL <i>wahhabm@hotmail.com</i>	NAME SIGNATURE/DATE ADDRESS HOME # OFC # CELL # E-MAIL
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[illegible]